



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/526,717	03/04/2005	Peter Rieth	PC10525US	6967
23122	7590	12/12/2006	EXAMINER	
RATNERPRESTIA			PHAM, LAM P	
P O BOX 980			ART UNIT	
VALLEY FORGE, PA 19482-0980			PAPER NUMBER	
			2612	

DATE MAILED: 12/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/526,717

Applicant(s)

RIETH ET AL.

Examiner

Lam P. Pham

Art Unit

2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on Election on 11/14/06.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 22-42 is/are pending in the application.
- 4a) Of the above claim(s) 27-39 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 22-26 and 40-42 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 3/4/05.

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Response to Election of Species***

In response to species election without traverse on November 14, 2006 of Species 1 regarding capacitive type for hand free recognition including claims 23-26 and generic claims 22, 40 to 42, the following rejection is made according to election of Species 1 and other non-elected species will be withdrawn from consideration by examiner.

### ***Claim Objections***

1. Claim 22 is objected to because of the following informalities: claim 22 should delete [wherein] and insert "comprises or includes". Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 40 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 40 recites the limitation "the change of the physical parameter" in line 2. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 22-26 and 40 are rejected under 35 U.S.C. 102(b) as being anticipated by anticipated by **Sutherland** (US 6218947).

Re claim 22, Sutherland discloses a steering handle for motor vehicles comprising means (plates 20, 22) for determining a contact between at least one hand of the driver and the steering handle (known as free hand recognition) as seen in Figures 1-3; col. 4, lines 1-42.

Re claim 23, Sutherland discloses the free hand recognition is realized by means of one or more electrically conducting metal elements (wire or metal plates 20, 22) arranged in the steering handle as seen in col. 4, lines 9-15.

Re claim 24, Sutherland discloses the steering handle is provided with a capacitive free hand recognition as seen in Figures 1-5; col. 4, lines 30-42.

Re claim 25, Sutherland discloses the steering handle is provided with at least one electrode (20, 22) arranged under a coat and interacting with a fastening element (cover 16) of the steering handle as seen in figures 2-3; col. 4, lines 1-42.

Re claim 26, Sutherland discloses in capacitive free hand recognition the damping (capacitance) is recorded which is caused when the driver acts upon the steering handle as seen in col. 4, lines 43 to col. 5, lines 26.

Re claim 40, Sutherland discloses a change (capacitance) of the physical parameter, in particular its damping (capacitance-contact) is recorded which is caused by the driver acting upon the steering handle as seen in col. 4, lines 30-43.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 41-42 rejected under 35 U.S.C. 103(a) as being unpatentable over Sutherland.

Re claims 41-42, Sutherland discloses the steering handle with free hand recognition of claim 22 is provided on a steering wheel system for motor vehicle as seen in Figures 1-3. However, Sutherland fails to specifically disclose the steering handle is provided on a steer-by-wire steering system or a steering system for a motor vehicle on which a steering torque is actively applied (IPAS).

Whether the steering handle with free hand recognition is provided on a steering system including a steer-by-wire system or steering system with a steering torque is actively applied is just a matter of intended application since both systems are known

Art Unit: 2612

available systems on motor vehicle, thus, it would have been obvious to one of ordinary skilled in the art to provide the steering handle with free hand recognition on a steering system including known steering systems available on motor vehicles as matter of desired application.

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kulick et al. (US 3703217) disclose a capacitive steering system.

Stove (US 5453929) discloses steering handle with capacitor electrodes.

Rundo (US 6501281) disclose capacitive operator sensing circuit.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lam P. Pham whose telephone number is 571-272-2977. The examiner can normally be reached on 10AM-7PM.

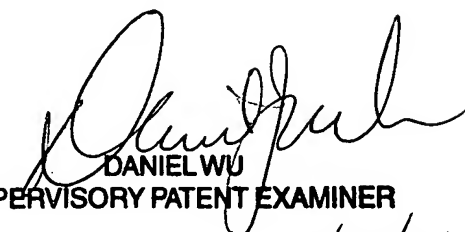
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel J. Wu can be reached on 571-272-2964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2612

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Lam P Pham  
Examiner  
Art Unit 2612

November 29, 2006.

  
DANIEL WU  
SUPERVISORY PATENT EXAMINER  
12/08/06